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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-228

13 DOMINIC ERIC Z. UCLARAY,
a.k.a. ERIC UCLARAY
14 3624 McCain Way
North Highlands, CA 95660

A C C U S A T I O N

15 Registered Nurse License No. 500690

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
22 ("Board"), Department of Consumer Affairs.

23 2. On or about March 31, 1994, the Board issued Registered Nurse License
24 Number 500690 to Dominic Eric Z. Uclaray, also known as Eric Uclaray ("Respondent").
25 Respondent's registered nurse license was in full force and effect at all times relevant to the
26 charges brought herein and will expire on November 30, 2009, unless renewed.

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1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Gross Negligence)**

8 9. At all times herein mentioned, Respondent was employed as the Director
9 of Nursing at Heritage Convalescent Hospital (hereinafter "Heritage"), a skilled nursing facility
10 located in Sacramento, California.

11 10. On or about November 6, 2002, patient B.C. was transferred from Kaiser
12 Permanente Sacramento (hereinafter "Kaiser") to Heritage with diagnoses of anasarca (fluid
13 retention) due to right-sided heart failure, hypoalbuminemia, hypothyroidism, urinary tract
14 infection, resolved hyperkalemia, severe congestive heart failure with less than 20% ejection
15 fraction, cardiomyopathy, diabetes with complications, poorly controlled hypertension,
16 hyperlipidemia, chronic renal insufficiency, gastroesophageal reflux disease, and chronic anemia.
17 The Kaiser discharge summary included a plan to increase B. C.'s diuretics, metolazone and
18 Bumex, due to the patient's high blood pressure. B. C.'s medical records were provided to
19 Heritage, including Admission Physician Orders and a Kaiser History and Physical Report, both
20 of which stated that B. C. was allergic to Reglan (metoclopramide). A Kaiser physician issued
21 handwritten discharge orders for Heritage stating that B. C. was to be administered metolazone
22 every morning, to be given 30 minutes prior to Bumex, and stating that B. C. was allergic to
23 Reglan.

24 11. On or about November 7, 2002, B. A., the Records Department Manager
25 at Heritage (B. A. was not a licensed nurse), transcribed the written orders provided by Kaiser
26 and typed physician orders for Heritage. B. A. erroneously entered Reglan as the medication to
27 administer, omitted metolazone from the list of medications to administer, and indicated that the

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1 patient had no known allergies. Later that same day, Respondent signed off on the physician
2 orders prepared by B.A.

3 12. B. C. was administered Reglan for approximately 14 of the 16 days she
4 was at Heritage. On November 23, 2002, B. C. was transported to Kaiser via ambulance for
5 increased confusion, yelling, and noncompliance with medical treatments. While undergoing a
6 CT Scan at Kaiser, B. C. went into cardiac arrest and died.

7 13. Respondent is subject to disciplinary action pursuant to Code section
8 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about November
9 7, 2002, Respondent was guilty of gross negligence within the meaning of Regulation 1442, as
10 follows:

11 a. Respondent signed off on the transcribed physician orders without
12 comparing them to the actual orders written by the Kaiser physician.

13 b. Respondent failed to ensure that the physician orders transcribed by B. A.
14 were accurate and that they identified Reglan as a known allergy for the patient.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Incompetence)**

17 14. Complainant incorporates by reference as though fully set forth herein the
18 allegations contained in paragraphs 9 through 12 above.

19 15. Respondent is subject to disciplinary action pursuant to Code section
20 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about November
21 7, 2002, Respondent was guilty of incompetence within the meaning of Regulation 1443, as set
22 forth in paragraph 13 above.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 16. Complainant incorporates by reference as though fully set forth herein the
26 allegations contained in paragraphs 9 through 12 above.

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1 17. Respondent is subject to disciplinary action pursuant to Code section
2 2761, subdivision (a), in that on or about November 7, 2002, Respondent committed acts
3 constituting unprofessional conduct, as set forth in paragraph 13 above.

4 **PRAYER**


5 WHEREFORE, Complainant requests that a hearing be held on the matters herein
6 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

7 1. Revoking or suspending Registered Nurse License Number 500690, issued
8 to Dominic Eric Z. Uclaray, also known as Eric Uclaray;

9 2. Ordering Dominic Eric Z. Uclaray, also known as Eric Uclaray, to pay the
10 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
11 case, pursuant to Business and Professions Code section 125.3;

12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: 3/27/09.

14 
15 RUTH ANN TERRY, M.P.H., R.N.
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California

20 Complainant
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